

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHY BURTON, o/b/o R.B.,

Case No. 16-cv-12895

Plaintiff,

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

v.

COMMISSIONER OF SOCIAL SECURITY,

UNITED STATES MAGISTRATE JUDGE
DAVID R. GRAND

Defendant.

**OPINION AND ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [20], DENYING THE COMMISSIONER’S MOTION FOR
SUMMARY JUDGMENT [18], AND GRANTING IN PART AND DENYING IN PART
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT [14]**

On August 8, 2016, Kathy Burton initiated this action on behalf of her minor daughter, R.B. (“Plaintiff”), seeking judicial review of Defendant Commissioner of Social Security’s denial of Supplemental Security Income (“SSI”) under the Social Security Act. Dkt. No. 1. The matter was referred to Magistrate David R. Grand, who issued a Report and Recommendation on March 21, 2017, recommending that the Court grant Plaintiff’s Motion for Summary Judgment to the extent it seeks remand, deny Defendant’s Motion for Summary Judgment, and remand this matter to the Commissioner for further proceedings. Dkt. No. 20. Neither party has filed objections to the Magistrate Judge’s Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. The matter should be remanded for further consideration.

Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Grand's Report and Recommendation [20] as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [14] is **GRANTED IN PART** to the extent it seeks remand and **DENIED IN PART** to the extent it seeks an award of benefits.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [18] is **DENIED**.

IT IS FURTHER ORDERED that this matter is remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Grand's Report and Recommendation.

IT IS SO ORDERED.

Dated: April 12, 2017

/s/Gershwin A Drain
Hon. Gershwin A. Drain
United States District Court Judge